

No. 9(1)81-8Lab/7613.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s. Municipal Committee, Panipat.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 52 of 1978

Between

SHRI HARI CHAND, WORKMAN AND THE MANAGEMENT OF M/S. MUNICIPAL COMMITTEE, PANIPAT

Present :—

Shri Raghbir Singh for the workman.

Shri Surinder Kaushal for the management.

AWARD

This reference has been referred to this Court by the Hon'ble Governor,—*vide* his order No. ID/HNL/105-D-77/14677, dated 18th April, 1978 under section 10(i)(c) of the Industrial Disputes Act for adjudication of the dispute existing between Shri Hari Chand, workman and the management of M/s. Municipal Committee, Panipat. The term of the reference was :—

“Whether the termination of services of Shri Hari Singh was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance in response to the same, filed their respective pleadings and the following issues were framed on the basis of their pleadings :—

- (1) Whether the termination of services of the workman concerned was justified and in order ? If not, to what relief is he entitled ?
- (2) Whether the workman was appointed for a specified period. If so, to what effect ?

The management examined Shri Dharam Vir, Secretary and Shri Padam Singh, S.F.O. as their witness. The workman examined himself as his witness and closed his case.

I heard the learned representatives of the parties and decide the issues as under :—

Issue No. 2.—The facts of the case are admitted to the extent that the workman was working as fireman since 8th January, 1976 and worked upto 1st September, 1976. The workman has alleged in his claim statement that he was initially appointed as tubewell operator on 19th May, 1975 while from the joining report Exhibit M-7 it is apparent that that the workman joined on 19th February, 1975. The workman alleged that his services as tubewell operator were transferred to Fire Brigade and he was appointed as Fireman on 8th January, 1976 but the management has denied this allegation and has pleaded that Shri Hari Chand workman knowing it fully well that the water department where he was working was to be transferred to Public Works Department (Health) applied for the post of Fireman,—*vide* his application dated 30th December, 1975. The workman was asked to

submit his medical certificate which he produced and was appointed Fireman with effect from 7th January, 1976,—vide letter No. 36 to 38/GEstt. which is Exhibit M-4. His appointment as Fireman was on *ad hoc* basis subject to the approval of the Deputy Commissioner, Karnal. The Deputy Commissioner approved his appointment as Fireman for a period of 3 months on *ad hoc* basis and the workman was duly informed about this,—vide letter dated 3rd February, 1976. The Deputy Commissioner, Karnal gave approval of his appointment from 2nd June, 1976 to 1st September, 1976 and after this no approval was accorded by the Deputy Commissioner, Karnal. The management has further pleaded that the workman was appointed afresh as Fireman and his service was never transferred to the Fire brigade section from the water section. As the two posts have no similarity. As the approval of the post of Fireman was upto 1st September, 1976 it was not possible to allow the workman to continue in service after 1st September, 1976.

The workman has not been able to prove his contention that as to how his services as tubewell operator were transferred to Fire Brigade section and why his services shall be deemed to be continuous from 19th February, 1975 to 1st September, 1976. On the otherhand it has been proved by oral as well as documentary evidence produced by the management that the workman applied for appointment of Fireman,—vide Ex. M-3. The workman has admitted that he received the order of appointment of fireman and he submitted his joining report which is Ex. M-8. The workman has also admitted that he used to get leave but that was allowed without pay whenever he was absent he did not receive pay for that period. The workman has also admitted in his cross-examination that approval of the service was received from the Deputy Commissioner but no approval was received after 1st September, 1976 whereby resulting in termination of his services. From these pieces of evidence it is obvious that the workman was appointed for a fixed term upto 1st September, 1976 and the services of the workman automatically came to an end after the efflux of time in accordance with the terms of his appointment. This issue is accordingly decided in favour of the management.

Issue No. 1.—In view of my findings on issue No. 2 the workman was appointed for a fixed term up to 1st September, 1976 and as the term of service was not extended the services of the workman automatically came to an end. The workman has also not put in 240 days of continuous service and his services as tubewell operator cannot be counted towards his services as fireman as the two departments are different departments and the posts are also of different nature for which two different appointment letters were issued and as such the case of the workman is also not covered under section 25 (F) of the I. D. Act. The action of the management is justified and in order as the workman was on *ad hoc* basis for a fixed term and after the expiry of the term of service it came to an end. The workman is not entitled to any relief either of reinstatement or back wages. The reference is answered and returned in these terms.

Dated 27th June, 1981.

BANWARI LAL DLAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

Endst. No. 2067, Dated 30th June, 1981.

Forwarded (four copies) to the secretry to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the I.D. Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.